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## Note by the Secretary-General

The Secretary-General has the honour to circulate for the information of the members of the Security Council the attached report by Major-General Carl Carlsson von Horn, Chief of Staff of the UNTSO, concerning the firing incident of 26 May 1958 on Mount Scopus, near Jerusalem. The report consists of three parts: Part I deals with the factual details of the events in which the Chief of Staff's Representative for Mount Scopus, Lt. Colonel G.A. Flint, lost his life, and with the investigations on both sides; Part II describes the background of the incident; Part III sets forth the conclusions of the Chief of Staff.

HEADQUARTERS  
TRUCE SUPERVISION ORGANIZATION

Jerusalem, 7 June 1958

REPORT ON THE FIRING INCIDENT OF 26 MAY 1958 ON MOUNT SCOPUS

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1. Information on the incident which occurred in the Mount Scopus area on 26 May 1958 is available from three sources : (a) evidence of UNTSO personnel as from the time they went to the area of the incident and record of communications of UNTSO during the incident ; (b) investigation on the Israel side ; and (c) investigation on the Jordan side. In view of the nature of the incident, the two latter investigations took the form of the gathering of testimony by witnesses only, as no physical evidence - other than bodily harm to persons who had been removed without previous enquiry from the scene of the incident - was in the nature of offering a determining contribution to the ascertainment of facts. Under those circumstances, I have considered that the best way of presenting a picture of the incident consists in reviewing separately the information gathered from each of these three sources.

(a) Sequence of Events as Witnessed by UNTSO Personnel

2. The following sequence of events can be presented on the basis of evidence gathered from UNTSO personnel and communications record.

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3. At 1430 local time (LT) on 26 May 1958, the Jordanian Delegation to the Hashemite Jordan Kingdom - Israel Mixed Armistice Commission complained by telephone to the office of the Commission that Israelis on Mount Scopus were firing at the village of Issawiya (A on attached sketch).

4. Within a few minutes of interval, my representative for Mount Scopus, Lt.-Colonel Flint, accompanied by a United Nations Military Observer (UNMO), proceeded to Issawiya, whereas another UNMO proceeded to the Jewish Sector of Mount Scopus (B on attached sketch). Reports received from Lt.-Colonel Flint and the UNMOs upon their arrival in the area indicated that firing was in progress from both sides. On the Jordan side, fire apparently originated from east and south-east of the village. Villagers were walking in the streets and no fire was noticed originating from the village itself. In the Jewish Sector, where firing was also in progress with rifles, light machine guns and sub-machine guns, the Israeli police commander indicated that two Israelis from a patrol were lying wounded in the area of Salomon's Garden (also referred to as Shlomit Garden), at approximately MR 17385 13355 (C on attached sketch), and that the purpose of Israeli firing was to cover their return. The police commander added that firing had originated from a point on a road approximately 250 metres north-west of Issawiya village.

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5. At 1450 LT, the Israel official for Mount Scopus complained by telephone to UNTSO Headquarters that an Israeli police patrol of five men had been fired at by Jordanians in the area of Salomons' Garden. Of the five men, three had returned, one of them wounded. Two Israelis were missing.
6. Immediately upon his arrival the UNMO in the Jewish Sector requested the police commander to ensure a cease-fire. At the same time, UNTSO Headquarters were requesting the Jordanian Delegation to ensure a cease-fire from the Jordan side. Another UNMO arrived in the Jewish Sector at approximately 1510 LT to assist in the evacuation of the wounded personnel. The UNTSO medical assistant was also ordered to the Jewish Sector of Mount Scopus.
7. At approximately 1520 LT, one UNMO was ordered to proceed from the Jewish Sector with an unarmed party of four stretcher-bearers, and to meet Lt.-Colonel Flint and the UNMO accompanying him coming from Issawya. Firing was then still in progress apparently both from the Jordan side and from the Jewish Sector of Mount Scopus. No firing originated from Issawya village. Lt.-Colonel Flint and the UNMOs met at approximately MR 17382 13360 and proceeded with a white flag towards the area where the Israelis were believed to be pinned down, at approximately MR 17385 13355. Meanwhile, another UNMO, who had gone to the area north of the Mount Scopus Demilitarized Zone, reported that there was no firing from that area and was ordered into Issawya.

8. Between 1530 LT and 1545 LT, after Lt.-Colonel Flint, the two UNMOs and the stretcher-bearers party had joined an Israeli rescue patrol which had gone out to search for the two missing men of the original patrol, several shots were fired at them, originating from an easterly and north-easterly direction. Firing in bursts and rifle shots also originated from the Jewish Sector. At 1532 LT, one Israeli in the party was wounded. As any movement in the party brought on more fire, Lt.-Colonel Flint and one UNMO at 1545 LT withdrew to Issawiya in order to contact the Jordanian Delegation and arrange for a complete cease-fire before proceeding with the evacuation of the pinned down party. One UNMO was left in the area of the party, where there was little or no cover. Report on casualties from the party was then one officer dead and two men wounded. In addition, the Israeli rescue patrol had not been able to join two missing men of the original police patrol.

9. Meanwhile, efforts were continued on the spot to impress upon the police in the Jewish Sector the necessity of stopping firing entirely, and UNTSO Headquarters contacted the Jordanian Delegation several times in order to ensure a cease-fire from the Jordan side.

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10. Lt.-Colonel Flint met at 1557 LT at the Shepherd Hotel in the vicinity of Mount Scopus the Junior Jordan Delegate and the Brigade Major representing the area commander of the Jordanian Army. They assured him that they would arrange for the firing to be stopped on their side without delay. Lt.-Colonel Flint and an UNMO then returned to Issawiya, while another UNMO proceeded to the Jewish Sector of Mount Scopus.

11. At approximately 1615 LT, Lt.-Colonel Flint and an UNMO, carrying two white flags, proceeded from Issawiya towards the area where the Israelis and one UNMO were pinned down. As they reached the party at approximately 1630 LT - when they realized that approximately fifteen men were pinned down - firing, which had been reported sporadically up to that time, stopped almost entirely. Lt.-Colonel Flint, however, repeatedly reported that any movement by anyone in the party brought firing by apparently one individual from Jordanian territory to the east. This information was passed on to the Jordanian Delegation with a request for immediate action in order to bring all firing under control.

12. At 1632 LT the Israeli police commander in the Jewish Sector indicated that if the Israeli patrol had not been recovered from its pinned down position within half an hour, he would take matters in his own hands. Being apprized of this message, Lt.-Colonel Flint asked by radio that the police commander be informed that measures

had been taken to ensure a complete cease-fire on the Jordan side, that the situation was generally well in hand and that the party was working on the problem of its evacuation.

13. Following a discussion between Lt.-Colonel Flint, the UNMOs and the Israeli patrol leader on the question of evacuation of the wounded and dead men and withdrawal of the party, the members of the Israeli patrol began to move at 1650 LT, with Lt.-Colonel Flint and two UNMOs standing nearby with white flags. A single loud shot was then fired, apparently not from a long distance, and an Israeli fell wounded in the chest.

14. Meanwhile, one of the two UNMOs in the Jewish Sector had proceeded towards the pinned down party, accompanied by an armed Israeli policeman. He was just reaching the party, carrying a white flag, when he heard a bullet whistle over his head and dropped to the ground.

15. At 1654 LT, Lt.-Colonel Flint apparently decided to make a personal appraisal of the situation in the vicinity of the newly wounded Israeli, who was lying close to the place where the body of the previously killed Israeli officer was situated, at approximately MR 17388 13355. After Lt.-Colonel Flint had proceeded 40 to 50 metres towards that place, carrying a white flag, there was a single shot and he was hit by a bullet of apparently the same origin, judging by the intensity of the shot, as the one which had hit the Israeli policeman a few minutes

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earlier. An unwounded Israeli lying only two metres from Lt.-Colonel Flint shouted that the latter was not moving and that he could see the entrance hole of the bullet. An UNMO who was at a short distance saw the impact of the bullet and, as Lt.-Colonel Flint had fallen immediately, concluded that he must have been killed instantly.

16. Realizing that the party was apparently being pinned down by a marksman, whose firing had in a very small area resulted in four casualties, the two last of them in less than five minutes, the Senior UNMO in the party decided that no further attempts at evacuation of the killed and wounded should be made by daylight, i.e. for about two more hours, unless the sniper had been found and brought under control. The Israeli patrol leader concurred in this decision.

17. The Jordanian Delegation was immediately apprised of the situation by UNTSO Headquarters. While the Delegation indicated that the cease-fire was being observed by all Jordanian armed personnel, the necessity was impressed upon them to take immediate action to search the area east of Mount Scopus in order to locate and bring under control any sniper active in the area. The Delegation notified UNTSO Headquarters at 1716 LT that Jordan army patrols had been sent to the area.

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18. The Mukhtars of Issawiya village were also asked on two occasions by the UNMO who was in the village to send someone out to attempt to locate the sniper and make him stop firing. The Mukhtars, however, declined to do so, replying on one occasion, through an interpreter, that the sniper appeared to be located approximately 200 yards outside the village, and that they could not send anyone to stop his shooting. Upon being questioned further on this matter by the UNMO, they gave vague answers and said they were unable to give any specific information.

19. At 1720 LT, an UNMO in the pinned down party reported that the toll in the party was two Israelis killed and two wounded, in addition to Lt.-Colonel Flint.

20. The last shot in the area was reported at approximately 1730 LT. At 1822 LT, the Senior Jordanian Delegate notified UNTSO Headquarters that, in his opinion, the area was now safe. He added, however, that no sniper had so far been located, and that the area was still being searched. At 1832 LT UNTSO requested that Jordan army elements, none of which had been observed in the area by the pinned down UNMOs, be posted east of Mount Scopus. The Senior Jordan Delegate stated that all possible and necessary measures to ensure the safety of the area had already been taken.

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21. The evacuation of the killed and wounded was started shortly after dark, at 1915 LT. An Israeli patrol moved into the area in order to help it. At 1958 LT, the evacuation of the bodies of Lt.-Colonel Flint and of two Israelis killed, and of two wounded Israelis, to the Hebrew University area was completed. The wounded men and the body of Lt.-Colonel Flint were then evacuated by UNMOs to the new City of Jerusalem through Mandelbaum Gate. The Jordan army provided an escort in Jordanian-controlled territory.

22. At approximately 2015 LT, the police commander of the Jewish Sector of Mount Scopus sent out to Salomon's Garden area a patrol of 18 men to search for the two missing policemen of the original Israeli patrol. Their bodies were recovered and brought back at about 2130 LT. The bodies of the four killed policemen were returned by UNMOs to the Israel authorities at Mandelbaum Gate at 2215 LT.

23. The total number of casualties amounted to five killed; i.e. Lt.-Colonel Flint and four Israelis, and two Israelis wounded.

24. In addition to the verbal communication from the Jordanian Delegation referred to in paragraph 3 of this report, I received on the evening of 26 May a written complaint from the Jordanian Official for Mount Scopus, alleging that at 1330 LT on that day, a group of armed Israelis had left the building of the Hebrew University and, having arrived at approximately MR 17390 13355, had opened light machine gun fire on Jordanians who were in

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Jordanian territory. Fire had been returned, and the Israelis had directed rifle and medium machine gun fire on the Jordanians from approximately MR 17358 13341 in order to support and cover the group referred to above. No written complaint was received from the Israeli authorities following the verbal complaint early in the afternoon (see paragraph 5 above).

(b) Setting up of Investigation

25. In the evening of 26 May, I wrote to both Parties, notifying them of my intention to start the next day an investigation of the incident, and asking for their full co-operation in the investigation.

26. At 0900 LT on 27 May, I met with the Israeli Jerusalem area commander. The meeting was held in accordance with a previous appointment, but it centered on the incident which had taken place on 26 May. The Israeli Jerusalem area commander indicated that his authorities wished that a joint investigation of the incident be set up.

27. Though the procedure of joint investigation was unprecedented with regard to incidents which had previously occurred in the Mount Scopus area, in view of the particular nature of the Demilitarized Zone, an informal meeting of the Parties was called for 1100 LT on 27 May, in order to consider the Israeli suggestion and the problem of the investigation of the incident in general. The meeting was presided by an UNMO whom I appointed to be in charge of the investigation.

28. In the meeting, the Israeli representatives favoured a joint investigation of the incident. The Jordanian representatives, however, took the view that the existence of a controversy as to which map was valid to determine the limits of the demilitarized area of Mount Scopus made it impossible to agree on where the incident had taken place - in the demilitarized area or in Jordanian-controlled territory. They stated that this situation would create insuperable difficulties for the conduct of a joint investigation. It was then decided that there would be separate investigations on each side. The Chairman indicated that the question as to whether the investigating team should proceed to the actual area where the firing had taken place would be decided by him at a later stage.

(c) Investigation on the Jordan Side

29. Investigation on the Jordan side took place on 27, 30 and 31 May.

30. The Jordan Army area command was asked to make available to the UNTSO investigating team witnesses who could give testimonial evidence on the incident of 26 May. Three witnesses were produced and interrogated.

31. A corporal in the Jordan Army stated that at approximately 1300 LT on 26 May, he had been out on patrol, with two other soldiers, on a foot track due east of Salomon's Garden, at approximately MR 17430 13353 (D on attached sketch). Suddenly firing had been opened in the direction of his patrol, and the corporal had observed an Israeli patrol at the bottom of the slope of Salomons' Garden. The Jordanian patrol had taken position and returned fire on the Israeli patrol. He stated that during the exchange, medium and light machine gun fire had also been directed

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towards the Jordanian patrol from the Hebrew University and Hadassah Hospital, in the Jewish Sector of Mount Scopus. While his patrol was pinned down, the Jordanian corporal had seen men approaching the Israeli patrol from the direction of the University. At about 1545 LT, a Cadet Officer from the corporal's unit had approached the position of the Jordanian patrol and ordered them from a distance to stop firing and withdraw. This the Jordanian patrol had done by crawling for 120 to 150 yards, and then taking cover in a wadi. The patrol had then withdrawn behind the hill located east of Salomons' Garden (MR 1745 1332). Upon being questioned, the corporal stated that he had not taken part in any further action, that to his knowledge there had been no other patrols in the area, that he had not heard any firing from the area of Issawiya village, and that he had not seen any person carrying a white flag in the area at any time.

32. A lance corporal in the Jordan Army, a member of the same patrol as the first witness, fully corroborated both in his statement and in his answers to questions the testimony of the first witness.

33. A cadet officer in the Jordan Army stated that he was with his unit when he received, at about 1530 LT, an order from the Brigade Major to move immediately and withdraw a Jordanian patrol which was engaged in firing with Israelis east of Salomons' Garden. He had driven up to the area and then proceeded on foot towards the patrol. He had entered a zone which was under heavy fire from Hadassah Hospital

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and the Hebrew University. He had crawled forward up to voice distance from the patrol and had ordered it to cease firing and withdraw in his direction. The patrol had returned with him to its unit. On being questioned, the cadet officer indicated that he had reached the patrol between 1550 and 1600 LT, and that he had not seen any person carrying a white flag in the area, which he had been unable to observe because of the heavy firing.

34. The Jordan Army area command stated that it could produce no other witnesses who would have taken part in or witnessed any other firing .

35. The UNTSO investigating team interrogated two witnesses at Issawiya village. One of the Mukhtars stated that he had been in a house when the shooting started, and that he had heard, but not seen, the firing which was heavy. He had seen UNMOs come into the village and leave it, and had stayed with one of them until 2100 LT. Throughout the firing, everybody in the village had kept indoors. Asked whether he or any of the villagers had heard firing in, or south-east of, the village, he replied that they could not identify where the firing came from. Asked whether any of the villagers had been working in the fields south-east of the village in the afternoon of 26 May, he answered that a number of the villagers worked in neighbouring villages and used to come home at dusk.

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36. When asked, during a second questioning, to explain his statement to an UNMO at the time of the firing, to the effect that no one from the village could attempt to stop the fire of a sniper because the latter was located approximately 200 yards outside the village (see paragraph 18 above), the Mukhtar did not remember having said this. He said he had only made the point that the villagers did not want to expose themselves to the danger of being killed or wounded by the firing. He attributed the statement recorded by the UNMO about the location of the sniper to an error in the translation of the reply he had given in Arabic. He said he had not known or been able to ascertain from where, nor from what distance, the firing was taking place. He knew of no person in the village who had known.

37. An inhabitant of Issawiya village stated that he had seen Lt.-Colonel Flint proceed to Salomons' Garden carrying two white flags. When he had reached the hill, the white flags had been raised and the automatic fire had stopped. Occasionally there had been single rifle shots. At about 1645 LT he had seen a white flag go down and Lt.-Colonel Flint kneel. He had not seen him again after that time. He had seen some Israelis start moving in the direction of the Hebrew University.

38. The UNTSO investigation team noted the reticence of the Mukhtars and other villagers of Issawiya from whom no further information could be elicited.

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39. Two witnesses were interrogated at Augusta Victoria, in the Arab Sector of Mount Scopus (E on attached sketch). A sergeant of the Arab police stated that he was near the gate of the Augusta Victoria Hospital at approximately 1300 LT. When firing had started, he had joined the guard on the road outside the hospital, where he could hear the firing. He had distinguished occasional shots coming from the wadi behind the Salomons' Garden ridge and which were answered by bursts of fire from the Hebrew University area. He had heard firing until about 1515 LT, when the situation seemed to calm down, except for intermittent bursts of fire from the University. Firing had finally stopped soon after 1700 LT. He had not been able to see any of the people taking part in the firing. Upon being questioned, the sergeant stated that during the incident there had been no firing from, or directed at, the Augusta Victoria area.

40. A constable who had been on guard on the road near the Augusta Victoria Hospital indicated that the firing had started at approximately 1300 LT. His statement confirmed on all points the testimony of the sergeant.



(d) Investigation on the Israel side

41. Investigation on the Israel side took place on 28, 29 and 30

May. The UNTSO investigating team had attempted to start the investigation on 27 May, but had been unable to do so (see paragraph 59 below).

42. Three witnesses were interrogated in the Jewish Sector of Mount Scopus. The commander of the police in the Jewish Sector was the first witness, and he gave a full account of the sequence of events in the afternoon of 26 May. He stated that beginning about 1200 LT, an unusual movement of Arab soldiers had been seen in the Augusta Victoria area. At 1300 LT, a routine patrol of five Israel policemen carrying one submachinegun, four rifles and hand grenades had left the Hebrew University, at approximately MR 17335-13340, towards Salomons' Garden. When the patrol had begun to move, it was noticed that all activity had ceased in Issawya village and only armed men could be seen in the village. At 1320LT, when the patrol had reached a point at MR 17385-13360, it had been fired on and one man had been wounded. The firing had come from Issawya village and from an olive grove located at approximately MR 1743 1340. (F on attached sketch). The patrol had laid down and one man had run to help the wounded man. Later the patrol had begun firing at the olive grove, but not at Issawya village. A second man had been wounded and a man had run back to the Hebrew University to inform the police commander.

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43. The police commander further stated that he had then (at 1330 LT) sent out from the Hebrew University, another patrol of ten armed men commanded by an inspector to evacuate the wounded men. The patrol, which carried no stretchers, had run to help the wounded and, when they reached them, had been fired at from the same places (Issawya and the olive grove). The inspector and one man from the second patrol had then been wounded. The patrol had laid down and begun to fire at the olive grove. At 1345 LT. the police commander had ordered light machinegun fire to be directed from the Hebrew University area at the olive grove in order to cover the return of his patrols. He stated that a wounded man from the first patrol had been heard by members of the second patrol crying for help, but had died afterwards because of the delay. Both patrols had attempted to evacuate the wounded, but they had been pinned down by sniper fire originating from Issawya village, at MR 1739 1341 and 1736 1341, and the olive grove at MR 1743 1340. The police inspector who had led the second patrol had then been wounded a second time (he was found dead when evacuated after dark). Light machinegun and rifle fire had continued intermittently from the buildings in the Jewish Sector in order to cover the movement of a third patrol, composed of a first inspector and two men, which was to attempt evacuation. This patrol had also been pinned down by fire from the same places, at about 1505 LT, and another man had been wounded.

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44. The police commander further stated that at about 1520 LT, three UNMOs with white flags arrived in the area where the patrols were lying, with four unarmed Israeli police carrying two stretchers. While the UNMOs were with the pinned down party, there had been a United Nations jeep flying a white flag in Issawya village where, according to the police commander's statement, two or three armed Jordan Army soldiers in uniform and some civilians carrying rifles had been seen. General fire and sniping had come from the village. Single shots had also been fired from the east. Two UNMOs had returned to Issawya village and an UNMO had stayed with the party, no member of which had been wounded during that time.

45. The witness had ordered all firing to cease from the buildings of the Jewish Sector, while the UNMOs had been attempting evacuation of the wounded. This had taken some time because the orders had to reach all the men, but there had been no firing carried out by the Israelis after 1530 LT. At that time, automatic fire had been coming from the Augusta Victoria area, in the Arab Sector of Mount Scopus (approximately MR 17375 13270) and from the area of Frenchman's Hill to the north of Mount Scopus (approximately MR 17270 13475). (E and G on attached sketch). Firing from those two places, which had

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started at about 1500 LT from the Augusta Victoria area, and perhaps at the same time from Frenchman's Hill, had continued until 1600 LT and had not been answered by the Israelis. Although firing from the Israeli side had stopped at 1530 LT firing from Arabs had continued and some of the wounded had died because Arab firing had prevented their evacuation.

46. The police commander further declared that two UNMOs had returned from Issawya to the area where the patrols were pinned down, carrying white flags, at about 1625 LT, and had asked the stretcher-bearers to collect the wounded men. When they had begun to do this and had stood up, a single shot had been fired at about 1650 LT and one man had been hit in the chest. Everybody in the party then had laid down again. At 1655 LT, Lt.-Colonel Flint, carrying a white flag, had been seen walking down to where the man was lying. Another shot had been heard and Lt.-Colonel Flint had been seen falling down immediately and had not moved. Then, some men of the patrol had run back to the Israeli police commander to report. A message had been received from the UNMO on Mount Scopus that a cease-fire had been arranged, that the individual who was firing would be stopped and that the wounded could be evacuated soon, after Jordan Army soldiers had seized him. No later message had been received indicating that the individual had been seized. More shots had been heard after Lt.-Colonel Flint had been killed. The patrols and the UNMOs had lain down until dark.

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47. According to the Israeli police commander's statement , another patrol had been sent out to the area after dark and had helped to evacuate the killed and wounded. This patrol had then continued to look for the two men who were missing from the first patrol, one of whom was known to have been wounded. Both had been found dead and their bodies had been brought back to the Hebrew University buildings. The bodies of Lt.-Colonel Flint and of the four Israelis killed, as well as the two wounded Israeli police, had been evacuated to Mandelbaum Gate by UNMOs. The police commander gave to the UNTSO investigating team the names of the Israeli casualties.

48. The two other Israeli witnesses stated that they had been in the pinned down party in Salomons' Garden. Their testimony, relating to the events of the afternoon with which they had been personally associated, corroborated the evidence given by the police commander. They also gave additional details, both in their statements and in reply to questions.

49. The second witness had been a member of the original patrol of five men. He indicated that rifle fire had first been opened on the patrol as it was moving and had reached a point approximately 40 to 50 metres east of the last house of the village of Issawya, and that firing had come from the surroundings of the olive grove. Some seconds later,

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the commander of the patrol had told him to return fire, and later that a man had been wounded by three bullets. He had gone back to the Hebrew University buildings to get help for the wounded. As he was on his way to the buildings, fire from machineguns had been opened from the village. While returning to Salomons' Garden with another man, they had helped a wounded man from the second patrol, but had been fired on again from the village and had had to lie down in the area. After some time, he had run with the patrol composed of the inspector and two men, but had to lie down again. He had been ordered to look in the direction of Augusta Victoria. He had been asked after some time whether he had seen any UNMOs, but he had seen none. He had later seen an UNMO coming down and had shown him the way to the wounded.<sup>(1)</sup> At about that time, automatic fire from Augusta Victoria had been opened at him. He then had laid down until dark when he had participated in the search for the dead and wounded. In answers to questions, the witness described the local of the last house of the village he had referred to and of the olive grove. He declared himself unable to locate them on a map. He had seen only one UNMO in the area. He stated that the firing from Issawya, which had continued all the time, had come especially from the eastern part of the village, as well as from other places, about 300 metres away.

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(1) This UNMO, who was identified by name by the witness, was the UNMO referred to in paragraph 14 above.

50. The third Israeli witness stated he was the police inspector who had gone to Salomons' Garden with the third patrol (see paragraph 43 above in fine). Prior to the time he had gone down, he had been in the area of the buildings and had heard the shooting come from the east side of the village and from the direction of the olive grove. After a second patrol had been sent to give help to evacuate one man who had been reported wounded, he had tried to see the places where the firing came from. He had not seen them, but had noticed armed people moving in the olive grove and the village. After some time, he had been ordered to join the patrols in Salomons' Garden, because the other inspector had been wounded. On his way, he had heard automatic fire from Augusta Victoria pass over his head. One of the men accompanying him had been wounded by a shot coming from the left side of the olive grove. At that time, there had been other shooting from the east side of Issawya village and the left side of the olive grove. A quarter of an hour after he had gone down to the area of the patrols, he had received orders to stop firing because UNMOs had reached the area. He had ordered fire to stop, and UNMOs waving their white flags had reached the party with unarmed stretcher-bearers. Some shots had been fired at them from the direction of the east side of the village of Issawya. Two UNMOs had left the area, and one UNMO had stayed with him, and asked him to be sure that Israeli fire

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had stopped. The inspector had replied that fire had stopped as the order had come, and he had shown the UNMO that no fire was going on. The time had then been 1530 LT and the witness had heard no fire from the Israeli side after that time. On the other hand, shots had been fired at the party from the village and from the olive grove. At about 1600 LT, an Israeli policeman had arrived, sent by the police commander to enquire about the situation. When the man returned, the inspector had heard automatic fire, which he thought was fired at him from Augusta Victoria.

51. The Israel witness further stated that after some time, an UNMO had come and lain down by him. Lt.-Colonel Flint and another UNMO had then arrived, and the former had told him that the Arabs would not fire at them now. They had gone to take out the wounded men. The inspector had told Lt.-Colonel Flint that he did not want his men to move because firing had been continuing from the same direction, especially from the village and the olive grove, and automatic fire had been continuing all the time from Augusta Victoria. Lt.-Colonel Flint had repeated that the cease-fire was sure and that he could take out the wounded. He had then ordered the stretcher-bearers to get up and reach the wounded, and a stretcher-bearer had then been wounded though he was not armed. Lt.-Colonel Flint had tried to reach the wounded, waving a white flag. On his way, Lt.-Colonel Flint had been shot and killed by a sniper from the direction of

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Issawya. After that, the inspector had decided not to move, but to wait until dark. Meanwhile, the first wounded men had died. In the opinion of the witness, they could have been saved if it had been possible to take them away earlier.

52. Asked about the circumstances of the evacuation, the inspector explained that he had found the bodies of the two killed policemen of the first patrol at approximately MR 1738 1336. He stated that being familiar with the route of the patrol, he had been able to see, from the place where they were lying, that they had been shot from Issawya village. Upon being questioned, the inspector answered that the armed people he had seen in the village when he was in the area of Salomons' Garden were soldiers and also some civilians with weapons. He had seen them firing at the patrol. The inspector's reference to the "left side of the olive grove" was located by him on a map at MR 17425 13401. Referring to the noise of the shooting and to the direction in which Lt.-Colonel Flint had been moving, he stated that the shot that hit Lt.-Colonel Flint had been fired from Issawya village and from a distance of about 400 metres.

53. As in the case of the evidence furnished by Issawya villagers (see paragraph 38 above) the UNTSO investigating team reported that the answers given by the second and third Israel witnesses were subject

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to reservations. The commander of police of the Jewish Sector who as first witness had given a full account of the sequence of events on 26 May, was present throughout the interrogation of the other two witnesses. He repeatedly prompted them and at times interrupted their evidence, after which they restated their testimony. He also several times wrote notes for one of the witnesses to read as evidence.

(e) Circumstances of the death of Lt.-Colonel Flint

54. The general circumstances which surrounded the death of Lt.-Colonel Flint, who was my Representative for Mount Scopus in addition to being the Chairman of the Hashemite Jordan Kingdom - Israel Mixed Armistice Commission, are described in Section (a) of this report, in particular paragraphs 11 to 15. Testimony on the circumstances of his death was also gathered from witnesses both on the Jordan and on the Israel sides, as reported in paragraphs 37, 46 and 51, above.

55. It appears from the description of the sequence of events referred to above that a few minutes before his death, Lt.-Colonel Flint was in the area of the pinned down party with three UNMOs, two of whom had been with him for some time, whereas the third had just arrived. One of the UNMOs was at his side when he decided to proceed towards the spot where an Israeli had been shot a few minutes earlier, whereas the two others were at distances of approximately 20 and 30 metres respectively.

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When Lt.-Colonel Flint started to move towards the wounded Israeli, he was in a few seconds out of sight of the observer who had been at his side. On the other hand, the two other UNMOs, who had seen Lt.-Colonel Flint starting to move, were looking at him particularly intently at the very moment he was hit, in view of the danger of the situation and of the fact that he was the only person not lying down at that time. These two UNMOs were thus in an unusually good position to describe afterwards the exact position of Lt.-Colonel Flint at the instant he was shot. Their concurrent testimony is to the effect that at that instant he was not moving, but taking cover from the east, with his body slightly inclined to the left, and that both his head and body were facing due east, towards the Dead Sea. According to the two UNMOs, this attitude is apparently to be explained by the belief in the party at that time that sniper fire was originating from the east.

56. Examination of the body of Lt.-Colonel Flint disclosed that the bullet which had killed him had entered on the left side of the chest, after having gone through the flesh of the left arm, and had travelled from left and above to the right, into a downward and somewhat posterior direction. The bullet had remained stuck beneath

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the skin in the right side of the back, and was removed at the hospital on 27 May in the presence of the UNTSO Medical Assistant.

57. The provisional conclusion of the investigation on the circumstances of the death of Lt.-Colonel Flint is thus that he was probably shot by a bullet fired from Jordanian controlled territory to the north-north-east. The element of doubt which subsists in this respect relates to the possibility, which may be considered as remote, that the bullet might have made a ricochet on a solid object. This doubt may possibly be removed by the results of a ballistic examination which has been ordered but whose results are not yet known. The examination might also shed light on the question of the distance from which the bullet had been fired, as well as on the question of the make of the bullet.

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(f) Question of an "on-the-spot" investigation

58. In the letter which I addressed to the Parties on the evening of 26 May in order to inform them of my intention to start on the next day an investigation of the incident (see paragraph 25 above), I expressed my confidence that the UNTSO investigating team would enjoy complete freedom of movement on Mount Scopus for the fulfillment of its task. The Director General of the Ministry for Foreign Affairs of Israel replied immediately that he considered it "essential, in order to avoid an aggravation of the situation, that UN observers should co-operate with our police and in particular use only the accepted entrances and routes in our area". In the meeting which I had with the Israeli Jerusalem area commander on 27 May (see paragraph 26 above), I requested that in view of the tension in the area, no armed Israeli personnel should be, or move, outside the fence of the Hebrew University - Hadassah Hospital area in the Jewish Sector of Mount Scopus as long as UNMOs stayed anywhere in the area. This request was refused. Complete freedom of movement for the investigation was thus denied to UNTSO by the Israeli authorities.

59. When the UNTSO investigating team went to the Jewish Sector of Mount Scopus to start interrogating witnesses on the afternoon of 27 May, the Israeli police commander refused to make witnesses available within the buildings of the Jewish Sector. He stated that he had

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orders that interrogation of witnesses should take place only on the site of the incident, in the presence and with the protection of an Israeli armed patrol. The UNTSO investigating team refused to receive testimony under those conditions, and having been again denied the right to interrogate witnesses in the building, left the Jewish Sector of Mount Scopus.

60. The Israeli position on the question as to where witnesses could be heard was, however, modified in the evening of the same day, and witnesses were interrogated on 28, 29 and 30 May in the building of Hadassah Hospital in the Jewish Sector (see section (d) above).

61. On 28 May after completing for that day the interrogation of witnesses at Hadassah in the Jewish sector of Mount Scopus, the UNMO in charge of the investigating team asked to proceed to the area of the incident. The Israeli police commander replied that investigation on the spot had to be carried out in the presence and with the protection of an Israeli armed patrol.

62. During 29 and 30 May, i.e. while the interrogation of Israeli witnesses was being completed at Hadassah, the Israeli authorities maintained the position that the interrogation of witnesses in the area of Salomon's Garden could take place only under the protection of arms, agreeing only at some point that the arms could be carried by the witnesses themselves, rather than by an accompanying patrol.

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63. On the evening of 30 May, the Senior Israel Delegate verbally informed UNTSO Headquarters that if his authorities received a "guarantee" from UNTSO that there would be no interference on the part of the other side, witnesses would be allowed to go on the spot of the firing without carrying weapons. This position was stated to me again in a letter of 1 June which I received from the Director of Armistice Affairs, Ministry for Foreign Affairs of Israel.

64. At that time, however, the gathering of testimony from witnesses on both sides had been completed and the testimony analyzed, and the UNMO in charge of the investigation had reported to me on the development of the investigation. After discussing the matter with the members of the investigating team, the UNMO had come to the conclusion that in this particular investigation no more evidence of value could be added by visiting the site of the incident. It was generally essential, in the investigation of firing incidents, that the site of the firing be visited in order to gather physical evidence such as the appearance of the ground, marks and places of cover from fire, marks of firing weapons, bloodstains, tracks, etc. However, the present investigation was unique in that six UNMOs had been in the area soon after the incident had started, two of them had moved along the patrol route looking for wounded men, and four of them had been pinned down close to the Israeli policemen and fired upon. Three UNMOs had witnessed the killing of their

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superior, had lain down for an additional two and a half hours in the area, and had participated in the evacuation and helped carry stretchers transporting wounded and dead to the Hebrew University area after dark. Many facts usually under dispute could thus be confirmed by UNMOs, and the unconfirmed facts alleged by one or the other party could not be ascertained in any case by visiting the site of the incident.

65. I was accordingly satisfied that an investigation on the spot could add nothing of importance with regard to the incident, and I decided to close the investigation and to report, as requested, to the Secretary-General.

(g) Conclusions

66. As is very often the case in the investigation of firing incidents, contradictory testimony has been received from witnesses on the Jordan side and on the Israel side respectively, as to who fired first. No UNMOs were in the area at the time the incident started. In addition to the testimony of the Israeli witnesses, the Israeli authorities base their contention that the Jordanians were the first to fire on a quotation from a broadcast by Radio Ramallah, published also with variations on the following day in the Jordanian press. According to the broadcast, an Israeli force crossed the Armistice Demarcation Line in the direction of the village of Issawiya, and "Jordanian forces opened fire on the Israeli force from a Jordanian observation post". According to the



Jordanian complaint referred to in paragraph 24 of this report fire was opened by the Israeli force.

67. It results from the observations of the UNMOs that firing from the Jordan side was on a larger scale, and originate from a larger area, than has been indicated by witnesses on the Jordan side. Observations by UNMOs that firing on the Jordan side apparently originated "east of Issawiya village" and "northeast of Salomon's Garden" would seem to make it likely that there was firing from the olive grove referred to by the Israeli witnesses.

68. The allegations of the Israeli witnesses, according to which fire was directed at the Israelis from the village of Issawiya itself, have not been confirmed by the observations of the UNMOs in the area. There was at least one UNMO in the village at all times since approximately 1445 LT. In addition, two UNMOs during the afternoon walked from Issawiya to Salomon's Garden and back, and two UNMOs went again from the village to the Garden, by a route which led down from the village into the valley and up on the opposite side. At no time did any of the UNMOs in the area hear any shooting originating from the village, nor did any of the UNMOs see any soldier nor any civilian carrying a weapon in the village.

69. UNMOs who have been in the area from approximately 1445 LT have not confirmed that there was firing on the Jordan side from the Augusta

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Victoria area or Frenchman's Hill, as alleged by Israeli witnesses.

70. It was established by the observations of the UNMOs that firing took place later than the hours at which witnesses on each side allege that it ceased completely on their side, i.e. 1530 LT on the Israel side, and between 1550 LT to 1600 LT on the Jordan side. Firing took place from both sides until 1630 LT, and single shots were fired, apparently from the Jordan side only, after that time.

71. Whereas four Israelis have been killed and two wounded, there has been no report of any casualties on the Jordan side. As stated in paragraph 57 above, it is probable that Lt. Colonel Flint was killed by a shot originating from Jordan-controlled territory.

72. I have pointed out earlier in this report, where appropriate, the difficulties which have limited the possibilities for UNTSO to gather more information on the circumstances of the incident.

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- II -

73. The grave incident of 26 May 1958 was preceded by similar incidents of less gravity occurring from time to time in an atmosphere of tension and in which the Israel police in the Jewish Section of Mount Scopus was also involved. The efforts of the late Lieutenant-Colonel G.A. Flint and myself to bring about some relaxation of the tension by limiting the possibilities of contacts and conflicts between the Israel police and the Arabs on Mount Scopus have so far met with no success.

74. On the contrary, contacts and conflicts have continued to increase as a result of the expansion of the patrolling activities of the Israel police and of the reactions to such activities. In addition, as the place where the 26 May incident occurred is in the area south of Issawiya and north-east of the Hebrew University and Laboratory buildings, particular consideration should be given to the conflict between Arabs and Israelis in connexion with Arab civilians' activities and Israeli patrolling in that area.<sup>1/</sup>

75. Following the signature of the 7 July 1948 Mount Scopus Agreement, the authority of the United Nations, as provided in the Agreement, was for several years sufficiently recognized to enable the Chief of Staff of the United Nations Truce Supervision Organization and his representative for Mount Scopus to prevent or settle occasional disputes between Israelis and Arabs on the Mount. A fence surrounded - and still surrounds - the Jewish

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<sup>1/</sup> The area to which the Israelis refer as Salomons' Garden or Shlomit Garden is the area called "Ras es Sullam" in the 1946 Palestine Survey map of Jerusalem annexed to the General Armistice Agreement.

buildings, and the main problem for the Chief of Staff's representative was then to prevent conflicts resulting from the desire of Arab civilians to cultivate land, pick olives or repair a house in the immediate vicinity of that fence, which separated them from the buildings guarded and inhabited by the Jewish police and civilians referred to in paragraph 4 of the 7 July 1948 Agreement. The Chief of Staff's representative has continued up to now to request Arabs not to work closer than approximately fifty metres from the fence, unless he could secure from the Israel police the assurance that there would be no interference with the projected work.

76. In the north of the Demilitarized Zone, the security of the Hadassah building was increased by the evacuation in 1948 of seven Arab houses which had been reoccupied after the signature of the 7 July 1948 Agreement. The houses, located outside the fence referred to in the preceding paragraph, are close to the Hadassah building, to the east and south-east of it, and their evacuation prevented contacts and conflicts in this area. In 1952, the Israel police patrolled the area of the seven houses. The Chief of Staff's representative requested that this patrolling be discontinued. The inspector commanding the police stated on 10 October 1952: "Those houses are within our area". On 18 October 1952, the police inspector said the patrols had been sent because Arab children had entered the area and that they would be sent only if necessary. No representations have since prevented the Israeli police from patrolling the area.<sup>1/</sup>

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<sup>1/</sup> Patrols at first did not go beyond the area of the seven houses in the direction of Issawiya. On 8 September 1953, the Mukhtar complained about recent Israel patrolling on the outskirts of the village. The inspector commanding the Israel police told the Chief of Staff's representative for Mount Scopus "that a patrol of two men was instructed to visit the area of the vacant houses once or twice daily but that orders he issued to the patrol corporal were not to trespass on the border between the area of the vacant houses and the village. He also said that he never sent any patrol at night. He also assured me (the Chief of Staff's representative) that he would conduct

77. The houses referred to in the preceding paragraph are in a row, from north to south. Those to the north are close to the road which, skirting round the British War Cemetery and running north of the Hadassah building, has for the last ten years been used by the villagers of Issawiya going to or returning from Jerusalem.<sup>1/</sup> When the Israeli police patrols the area of the seven houses, it also often patrols the area of the road used by the villagers. The latter have repeatedly complained that the Israeli police had been frightening or insulting Arab women. On 22 May 1958, I drew the Israel Foreign Ministry's attention to specific complaints alleging that on two successive days Arab women drawing water from a well, on the northern side of the road to Issawiya, had been insulted and frightened. On 23 May, the allegations were denied by the Israel Foreign Ministry. On 24 May, Lt.-Colonel G.A. Flint visited Issawiya and reported that he had found the villagers visibly upset, "more so than on other occasions", by what they referred to as insults to women.

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<sup>1/</sup> North of the Hadassah building the villagers have not been using the stretch of road which runs parallel to the fence, but have taken a roundabout way further north. Thus close contacts with the Israel police posts behind the fence were prevented. There have been a few cases of Arabs trying to use "the unauthorized road". On 6 April 1950, the UN inspector for Mount Scopus reported that during his weekly inspection of the Mount Scopus area it had been reported to him in the Israel area that two Arabs from Issawiya had been picked up by the Israel police on "the unauthorized road" paralleling the fence in front of the Hadassah Hospital. After having been warned by the Israel police inspector they had been released.

78. The inhabitants of Issawiya also resent the fact that Israel patrols have stopped traffic on the road referred to in the preceding paragraph.<sup>1/</sup> (The villagers have also been prevented from repairing this road on the ground that it was in the "Israeli Sector".)

79. While the areas referred to above, viz. that of the seven houses and that of the road north of Hadassah, have long been the most sensitive, trouble has also developed further south, in two other sectors, viz. the Western and Eastern slopes of Mount Scopus.

<sup>1/</sup> This report refers to the 26 May 1958 incident and to events preceding it. Since 1 June 1958 the Israeli patrols have been stopping not only Arab vehicular traffic but also pedestrians. There were scuffles between the police and the villagers on 1 and 2 June. On the Israel side, it has been repeatedly alleged that the villagers have fire-arms. They did not produce any during these scuffles with the Israel police, which fired at the villagers, one of whom was killed by a bullet on 2 June. A UN Observer saw him fall on the road approximately 25 metres from the nearest Jewish policeman. He was one of a group of about ten Arabs, some of whom carrying sticks, picks or hoes, who had exchanged arguments and shouts with an oncoming patrol of about six policemen. The first shots from the patrol were followed by some four more single shots, one of which killed the Arab. In connexion with the stoppage of traffic, it may be noted that there have been two previous attempts by the Israel police to limit or stop Arab traffic on the Issawiya-Jerusalem road. One was early in June 1954. The other started with the establishment of a road block on 17 February 1955. Major-General E.L.M. Burns requested the "rescission of any orders which may have been issued to stop vehicles other than UN vehicles attempting to use the road and particularly the rescission of orders to use road block, force and arms to effect this". The Israel police road block was removed on 27 March 1955. I have taken the same position as General Burns regarding interference with traffic - particularly in the present case, interference with pedestrian traffic.

The Israel position concerning the present closing of the road to Arab traffic is that such closing "was necessitated by safety considerations in the light of the attack on the Israel police on 26 May, in which Issawiya village participated, and of repeated attempts, in the past, by the villagers to extend grazing and cultivation in our area". Allegations concerning the participation of Issawiya village in the 26 May 1958 incident have been considered in the first part of this report. The question of attempts, in the past, to extend grazing and cultivation in the Jewish section of Mount Scopus will be considered in the following paragraphs.

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80. The difficulties which have arisen in the Western and Eastern areas of Mount Scopus are connected with the "map controversy". There are two maps, showing different limits for the Mount Scopus Demilitarized Zone. On the Israel side, it is considered that the valid map - that which is referred to in the first paragraph of the 7 July 1948 Agreement - is a map "SCOPUS - UN" dated 8 July 1948 and initialled F.M.B. (the initials of Mr. Begley, a member of the United Nations Secretariat, then on the Mediator's staff, who assisted in the drafting of the Agreement, though he did not sign it.) On the Jordan side, it is considered that the valid map is the more carefully delineated map of the truce lines in the Jerusalem area, initialled by the Arab Commander and by Mr. Begley, who together with the Israel Commander and the Chairman of the UN Truce Commission signed the 21 July 1948 Agreement "between Arab and Jewish Military Commanders" concerning "the method of controlling no-man's-land and other details of the Truce commencing 17 July 1948". This map was not initialled by the Jewish Military Commander and Israel does not accept its delimitation of the demilitarized area of Mount Scopus, which is not referred to in the text of the Agreement. Consequently, since the "7 July 1948 map" recognized as valid by Israel covers a larger area than the "21 July 1948 map" recognized as valid by Jordan, there are on Mount Scopus sectors which Israel considers as being within the Demilitarized Zone and Jordan in Jordanian-controlled territory.

81. When the Israel police sends from the Hadassah or Hebrew University armed patrols to control certain areas, including, as has recently happened, areas between the "7 July" and "21 July" lines, this action is resented by the Arab farmers or shepherds whose activities are interfered with and whose "women and children are frightened". The Jordanian authorities and people also resent what

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they consider as an attempt by Israel to assert by such armed patrolling the validity of alleged rights based on the "7 July" map. These three factors: assertion by means of armed patrol of a right to control "Israel areas" and the activities of Arab villagers in these areas; resentment of the Arab villagers; resentment of the Jordanian authorities and people, have contributed to the building up of tension which culminated in the 26 May incident.

82. Dr. Francisco Urrutia, during his December 1957 - January 1958 mission, went into the map question and discussed it with the two Governments. The evidence produced did not permit to realize any progress towards a settlement of the controversy.

83. The first complaint alleging Israeli patrolling on the western slopes of Mount Scopus, between the "7 July" and "21 July" lines, dates back to January 1954, when an Arab farmer reported that he had been threatened and forced to leave the field he was ploughing to the south-west of the Hadassah building.

84. No further complaints about Israel patrolling in the Western area of Mount Scopus were received until 1957, when there were several allegations about patrolling of a house located at MR 17333 13310 to the south-west of the Hebrew University (Shihaby house). According to the UN military observers, these allegations may have resulted from an optical illusion (the house is outside, but very close to the fence).

85. It is in the area between the "7 July" and "21 July" lines, to the north-west of Shihaby house that the incident of 16 February 1958 occurred.



(An Israel police patrol was sent on that day to stop "illegal cultivation".<sup>1/</sup>  
An exchange of fire developed with a Jordanian police patrol in a house at  
MR 17300 13319, according to the Jordanian version, as well as with Jordanians  
in the Augusta Victoria area, according to the Israeli version, denied by  
Jordan. Three Israelis were slightly wounded, viz. one of the policemen  
of the patrol and also a policeman and a civilian in the Library area, behind  
the fence. Each party accused the other of having opened fire.)

1/ The Israel Delegation, when complaining of the incident, specified that no investigation was requested. However, in view of the UN special responsibility for the demilitarized area of Mount Scopus, the Chief of Staff's representative attempted to ascertain the facts. The question of "illegal cultivation" was elucidated in the following statement given by the inspector in charge of the Israel police: "There is a major decision by General Burns dating July 1956, stating that in the disputed areas, both sides claim sovereignty over the area. Nobody on each side is allowed to work, move or develop these disputed areas. Because the other side disobeyed this decision frequently, we do not have any other means but to go out of our fence and scream at them, so that they will move away from the zone in question. If their intention is to continue to interfere with our sending of patrols across the fence to scream at them, we will be obliged to open fire."

The Israel police inspector has referred to a major decision by General Burns in July 1956. On 24 July 1956 there had been an exchange of fire between the Israel police and Jordanian soldiers who had entered a house just south-west of the Hebrew University, between the "7 July" and "21 July" lines. Lt.-Colonel Flint, another UN observer and a Jordanian officer were wounded by the explosion of a mine, while arranging the evacuation of the Jordanian soldiers during a cease-fire. After this incident General Burns issued a statement the last paragraph of which reads: "The Chief of Staff wishes to recall to the Israel and Jordan authorities that neither of them should attempt to assert a right on Mount Scopus by military action. It is his firm intention to maintain in the Demilitarized Zone the authority vested in the United Nations by the 7 July Agreement."

The above statement could certainly not be the "major decision" by General Burns on which the Israel police based the sending of patrols to prevent work, movement or development of disputed areas by the other side. As no record of such a decision by General Burns could be found, he was consulted by the Acting Chief of Staff of UNTSO. General Burns replied he felt almost sure that anything he might have said about the area between the "7 July" and "21 July" lines applied to the house entered by Jordanian soldiers in July 1956 and perhaps to any other houses nearby. Neither side was willing at that time fully to implement the 7 July 1948 Agreement and the only policy he could see reasonable was that the status of affairs as he had found it in 1954 should be maintained and no one should cause trouble by beginning new activities in the area. There was of course no complete description of the status in 1954 and no written declaration of this policy. /...

86. The 26 May 1958 incident referred to in the first part of this report took place in the Eastern area of Mount Scopus where Salomons' Garden (Ras es Sullam) is located. Israel, on the basis of the "7 July 1948 map", considers that the area is in the "Jewish section of the Demilitarized Zone", while Jordan, on the basis of the "21 July 1948 map" considers that it is not in the Demilitarized Zone, but in Jordanian-controlled territory.

87. The first complaints alleging Israel patrolling in the area referred to in the preceding paragraph date back to August 1957. It was alleged on 2 August that on that day and on the two preceding days Israel policemen had approached an occupied cave on the Southern outskirts of Issawiyia at GR 1738 1337, north of Ras es Sullam (Salomons' Garden). It was further alleged that the Israeli police observed the area, while Arab children and women were crying, then returned to the Hebrew University. On 2 August, a UN observer was shown behind the cave heel prints possibly made by military type boots. Lt.-Colonel Flint, accompanied by the UN Observer, spoke about the Arab allegations to the commander of the Israel police. The latter denied that his men had gone to the area.

88. Following a complaint alleging that the same area had been patrolled on 28 August and every day during the preceding week, a UN military observer went to the caves on 29 August. While he was there, he saw four Israeli policemen come downhill from the vicinity of the Laboratory. He went to meet the policemen who told him they had been sent by their chief and walked on.

89. In a conversation with Dr. Francisco Urrutia, on 31 December 1957, the Foreign Minister of Israel referred to Salomons' Garden. She said she

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had just been told that Arabs had planted trees in this "Jewish private property".<sup>1/</sup>

90. On 10 February 1958, following a complaint by an inhabitant of Issawya, alleging that on 29 January he had seen an Israel patrol break some olive trees which he had planted on the north-east side of Ras es Sullam, Lt.-Colonel Flint and a UN observer went to the area on 11 February. The farmer said that between 1950 and 1953 he had planted vine and olive trees in a plot (approximately 100 x 75 metres) which he had bought in 1947 (he alleged he had documents proving ownership).<sup>2/</sup> He said six olive trees had been broken by the Israel patrol. This first complaint was followed by another complaint on 24 February alleging that trees had been uprooted in Ras es Sullam on 23 February. The UN observer who went to the area on 25 February was told five trees had been uprooted. Apart from the complaints alleging destruction of trees, there were complaints alleging interference with grazing (e.g. on 29 January) and ploughing (on 14 February) in the same area.

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<sup>1/</sup> On 12 May 1958, the Israel official for Mount Scopus gave Lt.-Colonel Flint photostats of two folios from the "Register of Deeds" for the village of Issawya, recording the buying of two plots by Mrs. V.F. Salomons in 1934 and their sale to the Gan Shlomit Co. Ltd. in 1937.

<sup>2/</sup> According to the description of this plot given by the Arab farmer, it is possible that it does not encroach on the land sold in 1937 to the Gan Shlomit Co., according to the two folios in the Register of Deeds (Cf. footnote to paragraph 89.). If the Israel police had intervened in this area to protect Jewish property, experts can consider and settle the question of land-ownership. My representative for Mount Scopus would then see to it that property rights should be respected, just as he has prevented Arab cultivation close to the Jewish buildings, and calm could be restored to the area.

91. On 10 May, the Jordan Delegation reported that "members of the Jordan check posts" had challenged a group of armed Israelis who had entered the Ras es Sullam area and that the Israelis, after opening fire, had retired behind the fence. The Israel press reported that, while Israel police was dislodging Jordanian shepherds who had wandered with their flocks into the Israel area, fire had been opened on the police which had returned it.
92. There were no casualties in the 10 May incident. It was followed by the graver incident of 26 May which has been considered in the first part of this report.

- III -

93. The present situation may be summed up as follows:

(a) Peaceful coexistence between the Arab villagers and the Israel police on Mount Scopus is possible as long as contacts and conflicts are avoided. The evacuation of the seven houses (Cf. paragraph 76 of this report); the prevention by UN observers of Arab cultivation and other activities close to the Jewish buildings (Cf. paragraph 75 of this report) have been and still can be practical measures to avoid contacts and conflicts.

(b) Patrolling by the Israel police in areas inhabited or cultivated by the Arabs has resulted in contacts and conflicts. Such patrolling is not ordered by the "UN commander" under whom "in their respective areas armed Arab and Jewish civilian police will be placed on duty." (paragraph 3 of the 7 July 1948 Agreement for the demilitarization of Mount Scopus area).

(c) It has been argued that such patrolling is necessary for security reasons. Such reasons can hardly be invoked unless there are, as indicated

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above, contacts - which can be avoided - between the Israel police and the Arab villagers.<sup>1/</sup>

(d) There have been at various times Israel complaints concerning (1) the presence of Jordanian soldiers in Issawya, and (2) the possession of fire-arms by the villagers. UN observers are visiting Issawya frequently and they are satisfied that following representations to the Mukhtars and action by the Jordanian authorities, occasional visits by soldiers to relatives or acquaintances in the village are effectively checked. Any further Israel complaint on this score will also be dealt with by UN observers. With regard to the possession of fire-arms by the villagers, it should be noted that allegations concerning firing by Issawya villagers at the Israel police have not been proved (see paragraph 68 above concerning alleged firing from Issawya during the 26 May 1958 incident). UN observers have not seen fire arms while visiting Issawya.<sup>2/</sup>

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1/ There have been very few instances of the Israel police's security being endangered - apart from the incidents referred to in this report, in which police patrols were involved in shooting incidents. There was an incident during the night of 25 February 1950 when an Israel patrol reported that it had been challenged by a few Arab civilians trying to steal iron bars near the Medical Institute (one of the Jewish buildings within the fence) and that the Arabs had thrown a hand grenade and fired a few rifle shots. The patrol reported it had opened fire in the direction of the Arabs who were making off in the direction of Issawya. The officer commanding the Israel police reported that he went on the following morning to Issawya where he interrogated the Chief villagers who told him they did not know of any stealing, and suggested the thieves might come from other villages. No other instance has been found of an Israel police commander entering Issawya and interrogating villagers.

2/ This may certainly be considered as insufficient evidence. Compliance with the Israel request for a search for arms and ammunition in Issawya appears to be linked with the establishment of full implementation of the 7 July 1948 Agreement, dealt with in Dr. Francisco Urrutia's report of 18 January 1958. The Israel Government has linked with the establishment of full implementation the question of compliance with the Jordan request for a search for arms and ammunition in the Jewish sector of Mount Scopus. (According to Jordanian allegations, the Israel civilian police has at its disposal arms and ammunition in excess of those it was allowed to keep in 1948, following the demilitarization of the Mount Scopus area.) /...

(e) Pending full implementation of the 7 July 1948 Agreement, in accordance with the statements referred to in paragraph one of Dr. Francisco Urrutia's report of 18 January 1958, acceptance of what has been called the status quo of 1954 might help in diminishing tension. This policy was alluded to by the Israel police commander after the 16 February 1958 incident (footnote to paragraph 85 above). As explained by its initiator, General Burns, the policy consisted in maintaining the state of affairs as he had found it in 1954. The fact that there exists, as he has stated, no complete description of the status of 1954 is, of course, a difficulty. UN observers have, for instance, found it difficult to decide when cultivation was stopped or resumed in a field. However, it might be worth considering how the policy could now be applied in practice. According to the statement of the commander of the Israel police on 17 February 1958, Major-General Burns' decision was that "nobody on each side is allowed to work, move or develop" disputed areas "in which both sides claim sovereignty". Provided it is recognized that the policy applies to both sides and has to be implemented by the United Nations alone, without interference by either party, the question of existence or non-existence of sovereign rights in the areas between the "7 July" and "21 July" lines, which has become a burning question, could be left in abeyance until further agreement.

## MOUNT SCOPUS - TOPOGRAPHY

The Demilitarized Zone of Mount Scopus extends for approximately 2000 metres on dominating ground running from north to south, about one kilometre north-east of the Old City of Jerusalem.

It includes the areas designated as Hadassah Hospital, Hebrew University, Augusta Victoria and the Arab village of Issawia (Cf. paragraph 1 of the 7 July 1948 Agreement). There are trees and shrubs on the top of the Mount.

An extension from the main feature, running for approximately 500-600 metres in an east-north-easterly direction from the Hebrew University buildings, is known as Ras es Sullam (Salomons' Garden). This feature is rocky with sparse vegetation. There is some cover from view from low scrub but no covered protection. The feature is a broad ridge, so that the north slope is not visible from the south (Augusta Victoria area) and the south slope not visible from the north (Issawia village).

The village of Issawia is situated on high ground on another extension from the main feature at the north of the latter, also extending to the east-north-east, some 500 metres to the north of Salomons' Garden, from which it is separated by a valley originating at the east edge of the main feature and going downwards to the east-north-east.



